

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

STEFANI SEARCY,
Plaintiff,

v.

EMC MORTGAGE
CORPORATION,
Defendant.

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CIVIL ACTION NO.
1:10-CV-0965-WBH

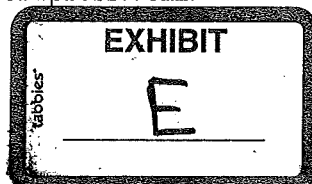
ORDER

Like many financial crises of the past, the somewhat recent meltdown in the mortgage industry has created an opportunity for various quacks to prey upon the doomed. Among these magicians is one Neil Garfield whose website¹ and seminars promise the poor souls who are in the throes of a residential mortgage foreclosure that they can file a pro-se lawsuit chock full of nonsensical legalese and magically make their debts disappear. Unfortunately for these debtors (but fortunately for the rest of the economy) it simply does not work that way.

Of those that appear to have consulted Mr. Garfield's website and possibly attended one of his seminars is Plaintiff in the instant action who has filed a complaint lifted almost entirely from one of the form complaints crafted by Mr. Garfield (this Court using the term "crafted" very, very loosely).

This Court has reviewed enough versions of this complaint to know, with absolute certainty, that it is entirely without merit. The general theme of the complaint

¹ Available at livinglies.wordpress.com.

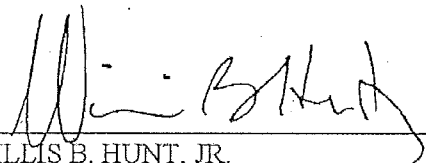


is Plaintiff's unfounded assertion that the people with whom she closed her mortgage loan were not the actual lenders, and the actual lenders were not legally empowered to lend the money. The complaint also seemingly attempts to tie Plaintiff's loan to the pooling of loans that contributed to the broader mortgage crisis. While it may well be that Plaintiff's mortgage was pooled with other loans into a securitized trust that then issued bonds to investors, that fact would not have any effect on Plaintiff's rights and obligations with respect to the mortgage loan, and it certainly would not absolve Plaintiff from having to make loan payments or somehow shield Plaintiff's property from foreclosure. The simple fact of the matter is that Plaintiff borrowed money, she is legally obligated to pay that money back, and Neil Garfield and his army of magical leprechauns cannot help her.

Defendant has now filed a motion to dismiss, [Doc. 3], and Plaintiff has failed to respond to the motion. In its motion, Defendant correctly points out that Plaintiff has entirely failed to state a claim for relief. Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to dismiss, [Doc. 3], is hereby **GRANTED** for Plaintiff's failure to state a claim for relief, and the instant action is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED, this 30th day of September, 2010.



WILLIS B. HUNT, JR.
SENIOR UNITED STATES DISTRICT JUDGE